

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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JAVIER HERNANDEZ, *et al.*,

PLAINTIFFS,

v.

**CIVIL ACTION  
No. 02-CV-0523(S)(Sr)**

MARIA GARCIA-BOTELLO, *et al.*,

DEFENDANTS.

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**AFFIDAVIT OF MONTE B. LAKE IN SUPPORT OF GROWER DEFENDANTS'  
CONSENT MOTION FOR LEAVE TO TAKE DEPOSITIONS OF DEFENDANTS  
MARIA GARCIA-BOTELLO AND ELIAS BOTELLO IN PRISON**

Monte B. Lake hereby declares:

1. In *United States v. Maria I. Garcia*, No. 02-CR-110-S, the defendant, Maria I. Garcia, plead guilty to Count 3 of the Superseding Indictment, which charged a violation of 18 U.S.C. § 1589. She was later sentenced to a term of incarceration and is presently serving the sentence at Federal Prison Camp Bryan in Bryan, Texas. Upon information and belief, she is scheduled to be released on or about September 22, 2008.

2. In *United States v. Elias Botello*, No. 02-CR-110-S, the defendant, Elias Botello, plead guilty to Count 1 of the Superseding Indictment, which charged a violation of 18 U.S.C. § 371 (conspiracy to commit a violation of 18 U.S.C. § 1589). He was later sentenced to a term of incarceration and is presently serving his sentence in Federal Correctional Institution Bastrop in Bastrop, Texas. Upon information and belief, he is scheduled to be released on or about January 22, 2008.

at this time.

4. All parties have consented to the entry of the relief requested herein. Plaintiffs provided their consent on the condition that the depositions for which the Grower Defendants are seeking leave to notice do not reduce the time allotted to Plaintiffs under Federal Rule of Civil Procedure 30(d)(2). Grower Defendants reserve the right to seek additional time in accordance with the Federal Rules of Civil Procedure.


5. I declare, under the penalty of perjury, that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Dated: June 19, 2007

  
Monte B. Lake

I, DENISE G. GILES, a Notary Public for said D.C., do hereby certify that MONTÉ B. LAKE personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 19 day of June, 2007.

  
Notary Public

My commission expires SEPT. 14, 2011.

**Denise G. Giles**  
Notary Public, District of Columbia  
My Commission Expires 9/14/2011